

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Michael Helmstetter,)	19 B 28687
)	Chicago, Illinois
)	1:00 p.m.
Debtor.)	January 25, 2022

TRANSCRIPT OF PROCEEDINGS VIA ZOOM BEFORE THE
HONORABLE JACQUELINE P. COX

APPEARANCES:

Chapter 7 Trustee:	Mr. David Herzog;
For the Chapter 7 Trustee:	Mr. Dennis Quaid;
For County Mayo Corporation:	Mr. Whitman Brisky;
For Benitta Berke:	Ms. Cindy Johnson;
For Nissan North America, Inc.:	Mr. Charles Tatelbaum;
For Santander National Bank:	Ms. Debra Devassy Babu;
For World Business Lenders, LLC:	Mr. Jeffrey Paulsen;
For Terry Gaouette:	Mr. Justin Mertz;
Court Reporter:	Jerri Estelle, CSR, RPR U.S. Courthouse 219 South Dearborn Room 661 Chicago, IL 60604.

1 THE CLERK: Line 7, Michael
2 Helmstetter.

3 MR. QUAID: Your Honor, Dennis Quaid
4 appearing for David Herzog, the Chapter 7 Trustee,
5 who is present.

6 MR. HERZOG: Good afternoon, Your
7 Honor. Again, David R. Herzog, the Chapter 7
8 Trustee.

9 MR. BRISKY: Good afternoon, Your
10 Honor. Whitman Brisky on behalf of County Mayo.

11 MS. JOHNSON: Good afternoon, Your
12 Honor. Cindy Johnson on behalf of Benitta Berke.

13 MR. TATELBAUM: Your Honor, good
14 afternoon. Charles Tatelbaum on behalf of Nissan
15 North America, Inc.

16 MS. DEVASSY BABU: Good morning --

17 MR. PAULSEN: Jeffrey Paulsen --

18 MS. DEVASSY BABU: Oh, I'm sorry.
19 Good afternoon --

20 MR. PAULSEN: Jeffrey --

21 MS. DEVASSY BABU: -- Your Honor.
22 Debra Devassy Babu on behalf of Santander National
23 Bank.

24 MR. PAULSEN: And Jeffrey Paulsen for
25 World Business Lenders.

1 THE COURT: All right. Where are we
2 in this matter? I think we --

3 MR. QUAID: Your Honor, we -- we --
4 two weeks ago we had the sale. There was a dispute.
5 The trustee asked to reject two of the bids that were
6 made by the clients of Cindy Johnson and Jeffrey
7 Paulsen. The court did not go along with the
8 trustee's recommendation. I would ask that this
9 matter be continued for three weeks to accommodate
10 the request of the U.S. Trustee's office to review
11 the matter and determine if they wish to participate
12 and take a position on the sale.

13 Three weeks would take us to
14 February 15.

15 THE COURT: Mr. Paulsen.

16 MR. PAULSEN: Your Honor, it's the
17 first I'm hearing of it. I'll defer to Ms. Johnson
18 on this issue.

19 THE COURT: Ms. --

20 MS. JOHNSON: Your Honor --

21 THE COURT: -- Johnson.

22 MS. JOHNSON: Yes, Your Honor. I
23 wasn't aware that they wanted time for that either.
24 What I -- what had happened, just so Your Honor
25 understands, is I thought they were going to

1 circulate an order, and instead we saw one pop up on
2 the docket. Mr. Paulsen and I filed our own order
3 because we think it was not worded accurately with
4 what the court said.

5 I will note that the trustee's order
6 does say that they're selling to Mr. Paulsen's client
7 for \$500, like to my client. There is actually a
8 typo in the trustee's order, which is what caused me
9 to upload an order and then withdraw it.

10 With respect to the three weeks, if
11 the trustee -- U.S. Trustee's office thinks they want
12 to weigh in on this, I'd be happy to know also who
13 they're talking to at the U.S. Trustee's office so I
14 can forward the information that I sent to the
15 trustee's attorneys saying what authority Your Honor
16 has to -- to force certain bids to be accepted.

17 Other than that, I do not object to
18 it. I'd just like to be able to send my case law
19 over too.

20 THE COURT: Mr. --

21 MR. QUAID: Your Honor --

22 THE COURT: -- Quaid, who at the U.S.
23 Trustee's office should Ms. Johnson direct her
24 comments?

25 MR. HERZOG: I can speak to -- I can

1 speak to this, Your Honor, because -- it's David R.
2 Herzog. I spoke with -- with Mr. Brief this morning
3 about the issue, and -- and they would like the
4 opportunity to at least review it. And so I -- I --
5 I believe that all correspondence will be sent to Mr.
6 Brief, and they will then decide whether or not
7 they -- they are interested in weighing in on the
8 issue.

9 MR. BRISKY: Your Honor, this is -- on
10 behalf of County Mayo, which is one of the accepted
11 bids, I'm -- I'm inquiring as to whether or not that
12 would hold up the acceptance and confirmation of the
13 sale with respect to our bid as well.

14 THE COURT: Mr. Quaid.

15 MR. QUAID: Your Honor, it should not
16 hold up the second order. There's an order for
17 County Mayo at 2400 -- 2401 South Michigan, as well
18 as Terry Gaouette. That --

19 THE COURT: What order --

20 MR. QUAID: -- there's no objection --

21 THE COURT: -- what order is that?
22 What's the docket number?

23 MR. QUAID: Your Honor, I would have
24 to guess the -- it's either 186 or 187, Your Honor.

25 THE COURT: Well, I need a little -- I

1 need a little more information.

2 MR. MERTZ: Your Honor, this is Justin
3 Mertz appearing on behalf of Terry Gaouette, one of
4 the interested parties who purchased the -- the
5 claim. Docket 188 is the proposed order.

6 MR. QUAID: Well, thank you, counsel.

7 THE COURT: So, Mr. --

8 MR. QUAID: Is there still
9 objection --

10 THE COURT: -- Mr. Brisky -- Mr.
11 Brisky, you want me to enter the order at docket 188
12 that doesn't concern Ms. Johnson's client or
13 Mr. Paulsen's client?

14 MR. BRISKY: Yes, Your Honor.

15 THE COURT: I'm not sure this really
16 warrants a three-week continuance.

17 MR. QUAID: Well, Your Honor, from our
18 viewpoint, it's an important issue that goes beyond
19 the --

20 THE COURT: That's why I gave you two
21 weeks to think about it and come up with some
22 proposed orders.

23 MR. QUAID: Your Honor, we've done
24 that, now the issue is whether the United States
25 Trustee, who is the supervisor of the trustees,

1 wishes to participate. And they need some time to
2 review everything and take a position. We would ask
3 you to accommodate their request.

4 THE COURT: There's no one on the call
5 from the U.S. Trustee's office?

6 MR. QUAID: No, Your Honor. They were
7 not available.

8 THE COURT: Just a second.

9 (Brief pause.)

10 THE COURT: I'll reset the matter, but
11 this will be final. Final status, that will be
12 February 14.

13 MR. HERZOG: Fifteenth, Your Honor.

14 THE COURT: I'm sorry, February 15, a
15 Tuesday, at 1:30 p.m.

16 MR. QUAID: Thank you, Your Honor.
17 And the -- the order at docket 188 will be entered?

18 THE COURT: I'm going to try.

19 MR. QUAID: Thank you.

20 MR. HERZOG: Thank you, Your Honor.

21 (Which were all the proceedings had in
22 the above-entitled cause, January 25,
23 2022, 1:00 p.m.)

24 I, JERRI ESTELLE, CSR, RPR, DO HEREBY CERTIFY
25 THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT OF PROCEEDINGS HAD IN THE ABOVE-
ENTITLED CAUSE. /S/